

UNITED STATES DISTRICT COURT
DISTRICT OF RHODE ISLAND

EUGENE SCALIA, Secretary of
Labor, United States Department of Labor,¹

Plaintiff,

v.

NORTH PROVIDENCE PRIMARY CARE
ASSOCIATES INC., NORTH PROVIDENCE
URGENT CARE, INC., CENTER OF NEW
ENGLAND PRIMARY CARE, INC.,
CENTER OF NEW ENGLAND URGENT
CARE, INC., Dr. ANTHONY FARINA, JR.,
AND BRENDA DELSIGNORE,

Defendants.

Civil Action No.
1:19-cv-00002-MSM-LDA

**SECRETARY OF LABOR'S MOTION FOR SANCTIONS REGARDING INITIAL
DISCLOSURES AND TO COMPEL DISCOVERY RESPONSES**

The Defendants in this case have failed to make the initial disclosures required by Rule 26(a)(1) of the Federal Rules of Civil Procedure, which were due more than six months ago, and they have offered no justification for this failure. Plaintiff Secretary of Labor, United States Department of Labor (the "Secretary") requests that the Court, pursuant to Rule 37(c)(1) of the Federal Rules of Civil Procedure, sanction Defendants for this failure by not allowing them to rely on any information or individual they failed to disclose in support of any motion, at any hearing, or at trial.

Defendants have also wholly failed to respond to the discovery requests served by the Secretary, and have not sought any extension of time for their responses. Based on that failure,

¹ Pursuant to Rule 25(d) of the Federal Rules of Civil Procedure, Secretary of Labor Eugene Scalia is automatically substituted as the proper Plaintiff in this case.

the Secretary moves the Court, pursuant to Rule 37 of the Federal Rules of Civil Procedure and Local Rule 37, to compel Defendants to comply with their discovery obligations with respect to document requests and interrogatories served by the Secretary on July 25, 2019, which are Exhibit 2 to the attached Declaration of Attorney Susan G. Salzberg.

The undersigned counsel for the Secretary certifies that she has attempted numerous times to contact Defendants' counsel to confer regarding the substance of this motion, as required by Rule 37(a)(1) of the Federal Rules of Civil Procedure. Defendants' counsel has continually failed to respond to the Secretary for months, and has not provided any reason for the failure to comply with the initial disclosure requirements of Rule 26(a)(1) of the Federal Rules of Civil Procedure or the failure to respond to the Secretary's discovery requests. The accompanying memorandum of law sets out in further detail the bases for this motion.

In view of the foregoing, the Secretary respectfully requests that the Court sanction Defendants for their failure to provide the required initial disclosures by precluding them from relying on any information or individual they failed to disclose in support of any motion, at any hearing, or at trial. In the event that the Court does not grant that sanction, the Secretary requests an order compelling Defendants to make their initial disclosures within five days of the Court's order and that the Secretary be granted interrogatories and requests for admission beyond the numerical limits to seek discovery from Defendants with respect to their initial disclosures. The Secretary also seeks an order requiring Defendants to respond forthwith to the Secretary's

interrogatories and requests for production of documents that were served on July 25, 2019. The Secretary further seeks costs and attorney's fees associated with this motion.

Respectfully submitted,

For Plaintiff
Secretary of Labor

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Solicitor of Labor

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/s/ Susan G. Salzberg
Susan G. Salzberg (MA556437)
Senior Trial Attorney

U.S. Department of Labor
Attorneys for Plaintiff

Date: November 15, 2019

CERTIFICATE OF SERVICE

I hereby do certify that I served the foregoing Motion for Sanctions Regarding Initial Disclosures and to Compel Discovery Responses to Defendants through their attorney, Michael J. Lepizzera, Jr., on the 15th day of November, 2019, by ECF.

/s/ Susan G. Salzberg